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No. 509

In the Supreme Court of the United States

OCTOBER TERM, 1929

UNITED STATES OF AMERICA, APPELLANT

v.

FRANCISCO UNZEUTA

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF NEBRASKA

STATEMENT OF JURISDICTION

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STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellant submits herewith its statement showing the basis of this Court's jurisidction in the above-entitled cause.

A

STATUTORY PROVISIONS

The statutory jurisdiction of this Court to review by direct appeal the judgment here complained of is found in the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C. Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and Section 238 of the Judicial Code as amended by the Act of February 13, 1925.

B

DATES OF JUDGMENT AND APPLICATION FOR APPEAL

The judgment to be reviewed was entered November 5, 1929. (R. 13.) Petition for appeal was presented on December 2, 1929 (R. 23), and was allowed on the same day. (R. 26.)

C

NATURE OF THE CASE

The indictment charges defendant with committing the crime of murder in the first degree upon one Omer Robertson, upon a freight train on the tracks of the Chicago and Northwestern Railway Company within the Fort Robinson Military Reservation. (R. 3–4.) Defendant filed a "Plea to the jurisdiction," alleging that the place where it is alleged the offense was committed was wholly within the jurisdiction of the State of Nebraska. (R. 7–10.) The court sustained the plea, and ordered the action dismissed upon the ground that "the United States of America has not exclusive jurisdiction over the strip of land comprising the right of way of the Chicago and Northwestern Railway Company through the Fort Robinson Military Reservation in the State of Nebraska," and that the granting of the right of way by the United States to the railway company "was an abandonment by the United States of its use of said right of way for military purposes and thereby the

United States ceased to have exclusive jurisdiction over the same." (R. 12–13.)

D

CASES SUSTAINING JURISDICTION

United States v. *Barber*, 219 U. S. 72.
United States v. *Oppenheimer*, 242 U. S. 85.
United States v. *Thompson*, 251 U. S. 407.
United States v. *Goldman*, 277 U. S. 229.

CHARLES E. HUGHES, Jr.,
Solicitor General.
O. R. LUHRING,
Assistant Attorney General.
W. H. RAMSEY,
Attorney.

DECEMBER, 1929.

U. S. GOVERNMENT PRINTING OFFICE: 1929